

**Military Assistance to the Afghan Opposition
Human Rights Watch Backgrounder
October 5, 2001**

To respond to the attacks on the World Trade Center and Pentagon on September 11, 2001, the United States government has begun to put together what it calls a coalition against terrorism. As part of this approach, the United States has signalled support for the creation of a broad-based coalition to oppose the Taliban, the current rulers of most of Afghanistan. This opposition would include forces that presently constitute the United Front—also known under its former name the Northern Alliance—as well as Taliban defectors. Some commanders with experience in the guerrilla war against Soviet occupation in 1979-1989, but not now in the United Front, may also be drawn into the new coalition. A number of present and former commanders who may be eager to assume positions of leadership in the coalition have a long record of serious human rights abuse in Afghanistan.

Human Rights Watch is concerned that unqualified support—military, political, diplomatic, financial—for this new coalition, which may come to constitute the basis for a future government of Afghanistan, will encourage further abuses. In responding to the crimes against humanity of September 11, the United States should not resort to means that themselves violate basic human rights and humanitarian law standards, or provide assistance to forces that do.

Support for the Afghan Opposition

While the United States says it has so far provided no arms to the Afghan opposition, recent media reports suggest that it is gearing up to provide financial and possibly military support to the United Front and other armed Afghan groups. U.S. Secretary of Defense Donald Rumsfeld said on September 30, 2001: “There are any number of people in Afghanistan, tribes in the south, the northern alliance in the north, that oppose Taliban [sic]. And clearly we need to recognize the value they bring to this anti-terrorist, anti-Taliban effort – and where appropriate, find ways to assist them.” The administration declined to comment on reports that the United States was offering covert financial support to the United Front.

The United Front could use new funds to replenish its stocks with arms purchases from Russia. Russia, along with Iran, has been one of the United Front’s main arms suppliers during recent years; both have significant strategic interests in Afghanistan, and both have reaffirmed their support for the United Front in recent days. The Russian minister of defense, Sergei Ivanov, said on September 26 that Russia had been “rendering assistance continuously to the Northern Alliance since 1996.” A day earlier, President Vladimir Putin said that Russia would “expand cooperation with the internationally recognized Afghan government of Rabbani and give its armed forces additional assistance in the form of weapons supplies.” The Russian president was referring to the United Front’s political arm, the Islamic State of Afghanistan, headed by Burhanuddin Rabbani, which has occupied Afghanistan’s seat in the United Nations since its ouster from Kabul in 1996. In Iran, the defense minister, Ali Shamkhani, told reporters on October 1, 2001: “We continue to support the Northern Alliance as in the past,” and replied “yes” when asked if that meant supplying them with arms. (The level and nature of past military support provided by Russia and Iran to the United Front has been detailed in a Human Rights Watch report, “Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War in Afghanistan,” available at <http://www.hrw.org/reports/2001/afghan2/>.)

What Is the United Front/Northern Alliance?

In 1996, when the Taliban captured the Afghan capital, Kabul, the groups opposed to the Taliban formed an alliance called the National Islamic United Front for the Salvation of Afghanistan, commonly known as the United Front. The United Front supports the government ousted by the Taliban, the Islamic State of Afghanistan (ISA). The president of the ousted government, Burhanuddin Rabbani, remains the president of the ISA and is the titular head of the United Front. For the past year his headquarters have been in the northern Afghan town of Faizabad. The real power was, until his assassination in September 2001, the United Front's military leader, Commander Ahmad Shah Massoud, who was also the ISA's minister of defense. The precise membership of the United Front has varied from time to time, but includes:

- *Jamiat-i Islami-yi Afghanistan (hereinafter known as Jamiat-i Islami)*. Jamiat-i Islami was one of the original Islamist parties in Afghanistan, established in the 1970s by students at Kabul University where its leader, Burhanuddin Rabbani, was a lecturer at the Islamic Law Faculty. Although Rabbani remains the official head of Jamiat-i Islami, the most powerful figure within the party was Ahmad Shah Massoud. Both Rabbani and Massoud are ethnic Tajiks (Persian-speaking Sunni Muslims) but from different areas. Massoud's ethnic power base has historically been in Parwan and Takhar provinces in the northeast, where he established a regional administrative structure in the late 1980s, the Supervisory Council of the North (SCN, Shura-yi Nazar-i Shamali). Massoud's forces have received significant military and other support from Iran and Russia, in particular.
- *Hizb-i Wahdat-i Islami-yi Afghanistan (Islamic Unity Party of Afghanistan, hereinafter known as Hizb-i Wahdat)*. The principal Shi'a party in Afghanistan with support mainly among the Hazara ethnic community, Hizb-i Wahdat was originally formed by Abdul Ali Mazari in order to unite eight Shi'a parties in the run-up to the anticipated collapse of the communist government. Its current leader is Muhammad Karim Khalili. The leader of its Executive Council of the North, Haji Muhammad Muhaqqiq, commanded the party's forces in Mazar-i Sharif in 1997. Hizb-i Wahdat has received significant military and other support from Iran, although relations between Iranian authorities and party leaders have been strained over issues of control. The party has also received significant support from local Hazara traders.
- *Junbish-i Milli-yi Islami-yi Afghanistan (National Islamic Movement of Afghanistan, hereinafter known as Junbish)*. Junbish brought together northern, mostly ethnic Uzbek, former militias of the communist regime who mutinied against President Najibullah in early 1992. It also included mainly Persian-speaking former leaders and administrators of the old regime from various other ethnic groups, and some ethnic Uzbek guerrilla commanders. In 1998 it lost all of the territory under its control, and many of its commanders have since defected to the Taliban. Its founder and principal leader was Abdul Rashid Dostum, who rose from security guard to leader of Najibullah's most powerful militia. One of Dostum's principal deputies was Abdel Malik Pahlawan. This group took control of the important northern city of Mazar-i Sharif in alliance with other groups in early 1992 and controlled much of Samangan, Balkh, Jowzjan, Faryab, and Baghlan provinces. A coalition of militias, the Junbish was the strongest force in the north from 1992 to 1997, but was riven by internal disputes. Since the fall of Mazar in 1998 the Junbish has largely been inactive, although Dostum returned to northern Afghanistan in April 2001.

- *Harakat-i Islami-yi Afghanistan (Islamic Movement of Afghanistan)*. This is a Shi'a party that never joined Hizb-i Wahdat, led by Ayatollah Muhammad Asif Muhsini, and which was allied with Jamiat-i Islami in 1993-1995. Its leadership is mostly non-Hazara Shi'a. Its most prominent commander is General Anwari. The group has received support from Iran.
- *Ittihad-i Islami Bara-yi Azadi Afghanistan (Islamic Union for the Liberation of Afghanistan)*. This party is headed by Abdul Rasul Sayyaf. During the war against the Soviet occupation, Sayyaf obtained considerable assistance from Saudi Arabia. Arab volunteers supported by Saudi entrepreneurs fought with Sayyaf's forces.

The United Front's Human Rights Record

Throughout the civil war in Afghanistan, the major factions on all sides have repeatedly committed serious human rights abuses and violations of international humanitarian law, including killings, indiscriminate aerial bombardment and shelling, direct attacks on civilians, summary executions, rape, persecution on the basis of religion or ethnicity, the recruitment and use of children as soldiers, and the use of antipersonnel landmines. Many of these violations can be shown to have been "widespread or systematic," a criterion of crimes against humanity. Although committed in an internal armed conflict, violations involving indiscriminate attacks or direct attacks on civilians are increasingly being recognized internationally as amounting to war crimes.

Abuses committed by factions belonging to the United Front have been well documented. Many of the violations of international humanitarian law committed by the United Front forces described below date from 1996-1998 when they controlled most of the north and were within artillery range of Kabul. Since then, what remains of the United Front forces have been pushed back into defensive positions in home territories in northeastern and central Afghanistan following a series of military setbacks. There have nevertheless been reports of abuses in areas held temporarily by United Front factions, including summary executions, burning of houses, and looting, principally targeting ethnic Pashtuns and others suspected of supporting the Taliban. Children, including those under the age of fifteen, have been recruited as soldiers and used to fight against Taliban forces. The various parties that comprise the United Front also amassed a deplorable record of attacks on civilians between the fall of the Najibullah regime in 1992 and the Taliban's capture of Kabul in 1996.

Violations of international humanitarian law committed by United Front factions include:

- Late 1999 - early 2000: Internally displaced persons who fled from villages in and around Sangcharak district recounted summary executions, burning of houses, and widespread looting during the four months that the area was held by the United Front. Several of the executions were reportedly carried out in front of members of the victims' families. Those targeted in the attacks were largely ethnic Pashtuns and, in some cases, Tajiks.
- September 20-21, 1998: Several volleys of rockets were fired at the northern part of Kabul, with one hitting a crowded night market. Estimates of the number of people killed ranged from seventy-six to 180. The attacks were generally believed to have been carried out by Massoud's forces, who were then stationed about twenty-five miles north of Kabul. A spokesperson for United Front commander Ahmad Shah Massoud denied targeting civilians. In a September 23, 1998, press statement, the

International Committee of the Red Cross described the attacks as indiscriminate and the deadliest that the city had seen in three years.

- Late May 1997: Some 3,000 captured Taliban soldiers were summarily executed in and around Mazar-i Sharif by Junbish forces under the command of Gen. Abdul Malik Pahlawan. The killings followed Malik's withdrawal from a brief alliance with the Taliban and the capture of the Taliban forces who were trapped in the city. Some of the Taliban troops were taken to the desert and shot, while others were thrown down wells and then blown up with grenades.
- January 5, 1997: Junbish planes dropped cluster munitions on residential areas of Kabul. Several civilians were killed and others wounded in the indiscriminate air raid, which also involved the use of conventional bombs.
- March 1995: Forces of the faction operating under Commander Massoud, the Jamiat-i Islami, were responsible for rape and looting after they captured Kabul's predominantly Hazara neighborhood of Karte Seh from other factions. According to the U.S. State Department's 1996 report on human rights practices in 1995, "Massoud's troops went on a rampage, systematically looting whole streets and raping women."
- On the night of February 11, 1993 Jamiat-i Islami forces and those of another faction, Abdul Rasul Sayyaf's Ittihad-i Islami, conducted a raid in West Kabul, killing and "disappearing" ethnic Hazara civilians, and committing widespread rape. Estimates of those killed range from about seventy to more than one hundred.
- In addition, the parties that constitute the United Front have committed other serious violations of internationally recognized human rights. In the years before the Taliban took control of most of Afghanistan, these parties had divided much of the country among themselves while battling for control of Kabul. In 1994 alone, an estimated 25,000 were killed in Kabul, most of them civilians killed in rocket and artillery attacks. One-third of the city was reduced to rubble, and much of the remainder sustained serious damage. There was virtually no rule of law in any of the areas under the factions' control. In Kabul, Jamiat-i Islami, Ittihad, and Hizb-i Wahdat forces all engaged in rape, summary executions, arbitrary arrest, torture, and "disappearances." In Bamiyan, Hizb-i Wahdat commanders routinely tortured detainees for extortion purposes.

Accountability and the Cycle of Impunity

To date, not a single Afghan commander has been held accountable for violations of international humanitarian law. Nor has the United Front, in particular, indicated any willingness to bring to justice any of its commanders with a record of human rights abuse. To the contrary, the representative of the Islamic State of Afghanistan (and the United Front) in the United States, Mohammed Eshaq, remarked in response to a question at a public event in Washington, D.C., on October 2, 2001 that United Front atrocities have been "exaggerated," and that while "criminals should answer to a court...it should not be a demand that all the heads of the United Front should be taken to court," as this would not be "practical."

The United Front's failure to hold its commanders to account for atrocities committed in the past raises the prospect that they will revert to the same practices should they be given the opportunity to do so. Having suffered a series of military setbacks, the United Front has been increasingly pushed back into its "home" territory in recent years. But should its political fortunes turn with United States or other external support, their past record of abuse and impunity gives no reason to believe that abusive commanders will feel discouraged from committing further abuses. Human Rights Watch is particularly concerned that United Front factions may seek retaliation against the Taliban, and ethnic Pashtuns generally, if, for example, the United Front succeeds in recapturing Mazar-i Sharif.

The provision of unqualified material and political assistance under such circumstances, rather than sending a signal that human rights abuse is not condoned, would serve to embolden these very same commanders. Such support may feed rather than break the lethal cycle of impunity that has brought so much suffering to the people of Afghanistan. It is for this reason that the United States, Russia, Iran and any other states providing assistance to the Afghan opposition must take responsibility for how this assistance is used. Their failure to do so would entail a degree of complicity in any abuses that may be committed, and they should therefore be held accountable for these abuses.

Leahy Law

In the United States, assistance to units of foreign security forces that have committed gross violations of human rights is expressly prohibited by law. Known as the Leahy Law, this consists of two provisions in the appropriations acts for Fiscal Year 2001. The Leahy Law applies to the Islamic State of Afghanistan and its military arm, the United Front, because the ISA remains the internationally recognized government of Afghanistan. Section 563 of the Foreign Operations Appropriations Act for Fiscal Year 2001 prohibits the provision of funds available under the act "to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice." Likewise, Section 8092(a) of the Defense Appropriations Act for Fiscal Year 2001 prohibits the provision of funds made available under the act "to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken." This latter provision may be waived in "extraordinary circumstances."

Human Rights Watch's Recommendations

To break the lethal cycle of impunity, Human Rights Watch calls on the United States, Russia, Iran, and any other states providing, or intending to provide, direct or indirect military, political, diplomatic, or financial assistance of any kind through bilateral or multilateral channels to the factions of the United Front or any other armed Afghan opposition groups to:

- Actively discourage and refuse to support in any way any group or coalition that includes commanders with a record of serious violations of international humanitarian law standards, including, but not exclusive of, Abdul Rashid Dostum, the head of the Uzbek militia known as the Junbish; Haji Muhammad Muhaqqiq, a senior commander of the Hizb-i Wahdat; Abdul Rasul Sayyaf, leader of the erstwhile Ittihad-i Islami; and Abdul Malik Pahlawan, a former senior Junbish commander.

- Condition any military or financial support for the United Front, its individual factions, or any other armed Afghan opposition group on firm commitments that they respect international human rights and humanitarian law, and allow U.N. and independent monitors to assess their compliance with these standards. Make it clear that serious violations could result in having aid terminated.
- Condition any military or financial support for the United Front, its individual factions, or any other armed Afghan opposition group on a firm commitment not to use antipersonnel landmines.
- In accordance with international standards, insist that the United Front end all recruitment and use of children under the age of eighteen as soldiers and take immediate steps to demobilize children currently in its ranks.
- Press the United Front to bring to justice any of its personnel, including former commanders, who have been implicated in serious violations of human rights and international humanitarian law.
- Make any aid to armed Afghan opposition groups conditional on their granting full access by the International Committee of the Red Cross to areas under the control of these groups and detainees under their control.
- Avoid cooperative activities that will be read by human rights abusers—and the general population—as implying support for abusive practices.

Additionally, to the Government of the United States:

- Implement the Leahy Law strictly, without waivers.
- Monitor any assistance given to the United Front or any other Afghan opposition groups, and report how this assistance is used and whether these groups comply with international human rights and humanitarian law.